

FIRST REGULAR SESSION

# SENATE BILL NO. 440

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DAYS AND GIBBONS.

Read 1st time February 5, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

2010S.011

## AN ACT

To repeal sections 33.752, 33.753, and 536.305, RSMo, and to enact in lieu thereof three new sections relating to the minority and women business advocacy commission.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 33.752, 33.753, and 536.305, RSMo, are repealed and  
2 three new sections enacted in lieu thereof, to be known as sections 33.752, 33.753,  
3 and 536.305, to read as follows:

33.752. 1. There is hereby established the "Missouri Minority **and**  
2 **Women** Business Advocacy Commission". The commission shall consist of nine  
3 members:

- 4 (1) The director of the department of economic development;
- 5 (2) The commissioner of the office of administration;
- 6 (3) Three minority **or women** business persons, appointed by the  
7 governor, one of whom shall be designated chairman of the commission;
- 8 (4) Two members of the house of representatives appointed by the speaker  
9 of the house of representatives;
- 10 (5) Two members of the senate appointed by the president pro tempore of  
11 the senate.

12 No more than two of the three members appointed by the governor may be of the  
13 same political party. Appointed members of the commission shall serve four-year  
14 terms, except that of the initial appointments made by the governor, one shall be  
15 for a two-year term, one shall be for a three-year term and one shall be for a  
16 four-year term. A vacancy occurs if a legislative member leaves office for any  
17 reason. Any vacancy on the commission shall be filled in the same manner as the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 original appointment.

19           2. [The department of economic development and the office of  
20 administration shall develop a plan to increase procurements from minority  
21 businesses by all state departments and submit that plan to the governor by July,  
22 1994.

23           3.] Each member appointed by the governor [shall receive as  
24 compensation a per diem of up to thirty-five dollars for each day devoted to the  
25 affairs of the commission and] **may** be reimbursed for his actual and necessary  
26 expenses incurred in the discharge of his official duties.

27           [4.] **3.** Each legislative member of the commission is entitled to receive  
28 the same per diem, mileage, and travel allowances paid to members of the general  
29 assembly serving on interim committees. The allowances specified in this  
30 subsection shall be paid from the amounts appropriated for that purpose.

31           [5.] **4.** The commission shall meet at least three times each year and at  
32 other times as the chairman deems necessary.

33           [6.] **5.** The duties of the commission shall include, but not be limited to,  
34 the following:

35           (1) Identify minority **and women** businesses in the state;

36           (2) Assess the needs of minority **and women** businesses;

37           (3) Initiate aggressive programs to assist minority **and women**  
38 businesses in obtaining state contracts and federal agency procurements;

39           (4) Give special publicity to procurement, bidding, and qualifying  
40 procedures;

41           (5) Include minority **and women** businesses on solicitation mailing lists;

42           (6) Make recommendations regarding policies, programs and procedures  
43 to be implemented by the commissioner of the office of administration;

44           (7) Prepare and maintain timely data on minority [business] **and women**  
45 **businesses** qualified to bid on state and federal procurement projects;

46           (8) Prepare a review of the commission and the various affected  
47 departments of government to be submitted to the governor and the general  
48 assembly on March first and October first of each year, evaluating progress made  
49 in the areas defined in this subsection;

50           (9) Provide a focal point and assist and counsel minority **and women**  
51 small businesses in their dealings with federal, state and local governments  
52 regarding the obtaining of business licenses and permits, including, but not  
53 limited to, providing ready access to information regarding government

54 requirements which affect minority small [business] **and women businesses**;

55 (10) Analyze current legislation and regulation as it affects minority  
56 [business] **and women businesses** for the purpose of determining methods of  
57 elimination or simplification of unnecessary regulatory requirements;

58 (11) Assist minority **and women** businesses in obtaining available  
59 technical and financial assistance;

60 (12) Initiate and encourage minority **and women** business education  
61 programs, including programs in cooperation with various public and private  
62 educational institutions;

63 (13) Receive complaints and recommendations concerning policies and  
64 activities of federal, state and local governmental agencies which affect minority  
65 **and women** small businesses, and develop, in cooperation with the agency  
66 involved, proposals for changes in policies or activities to alleviate any  
67 unnecessary adverse effects to minority small [business] **and women**  
68 **businesses**.

69 [7.] **6.** The [department of economic development] **office of**  
70 **administration, office of supplier and workforce diversity** shall furnish  
71 administrative support and staff for the effective operation of the commission.

33.753. The Missouri minority **and women** business advocacy  
2 commission, as established pursuant to section 33.752 shall, in addition to  
3 providing the governor with a plan to increase procurement from minority  
4 businesses by all state departments as provided in subsection 2 of section 33.752,  
5 also provide to the general assembly the findings of such plan and provide details  
6 of any recommended legislation that may be needed to carry out the provisions  
7 of the plan. The commission shall submit the plan and recommended legislation  
8 to the general assembly within six months of delivery of the original plan to the  
9 governor.

536.305. 1. There is hereby established the "Small Business Regulatory  
2 Fairness Board". The department of economic development shall provide staff  
3 support for the board.

4 2. The board shall be composed of nine members appointed in the  
5 following manner:

6 (1) One member who is the chair of the minority **and women** business  
7 advocacy commission;

8 (2) One member appointed by the president pro tempore of the senate;

9 (3) One member appointed by the minority leader of the senate;

10 (4) One member appointed by the speaker of the house of representatives;  
11 (5) One member appointed by the minority leader of the house of  
12 representatives; and  
13 (6) Four members appointed by the governor.

14 3. Each member of the board, except for the public members and the chair  
15 of the minority **and women** business advocacy commission, shall be a current or  
16 former owner or officer of a small business. All members of the board shall  
17 represent a variety of small businesses, both rural and urban, and be from a  
18 variety of geographical areas of this state, provided that no more than two  
19 members shall represent the same type of small business.

20 4. Members of the board shall serve a term of three years and may be  
21 reappointed at the conclusion of the term. No member shall serve more than  
22 three consecutive terms. Appointments shall be made so that one-third of the  
23 membership of the board shall terminate each year. The governor shall appoint  
24 the initial chairperson of the board and a majority of the board shall elect  
25 subsequent chairpersons. The chairperson shall serve as chair for a term of not  
26 more than two years.

27 5. Members of the board shall serve without compensation, but may be  
28 reimbursed for reasonable and necessary expenses relating to their performance  
29 of duties, according to the rules and regulations of travel issued by the office of  
30 administration. Members will be required to submit an expense account form in  
31 order to obtain reimbursement for expenses incurred.

32 6. The board shall meet as often as necessary, as determined by the  
33 chairperson of the board. All meetings of the board will be conducted in  
34 accordance with the governmental bodies and records act, chapter 610, RSMo,  
35 including closed sessions. Notice will be posted and will be provided to the joint  
36 committee on administrative rules. Minutes of the meetings shall be provided to  
37 all members, the office of the governor, and the joint committee on administrative  
38 rules.

39 7. In addition to any other powers provided by sections 536.300 to  
40 536.328, the board may adopt any rules necessary to implement sections 536.300  
41 to 536.328 and take any action necessary to effectuate the purposes of sections  
42 536.300 to 536.328. Any rule or portion of a rule, as that term is defined in  
43 section 536.010, that is created under the authority delegated in this section shall  
44 become effective only if it complies with and is subject to all of the provisions of  
45 this chapter and, if applicable, section 536.028. This section and this chapter are

46 nonseverable and if any of the powers vested with the general assembly pursuant  
47 to this chapter to review, to delay the effective date, or to disapprove and annul  
48 a rule are subsequently held unconstitutional, then the grant of rulemaking  
49 authority and any rule proposed or adopted after August 28, 2005, shall be  
50 invalid and void.

✓

Unofficial

Bill

Copy